



JC04 Rec'd PCT/PTO 27 JUN 2005

Attorney Docket No: 1171/42323/150-PCT-US H10

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors: Wixey et al.)
For: BREATHING ASSISTANCE)
APPARATUS)
Serial No.: 10/518,331)
Filed: December 15, 2004)
Art Unit: Not yet assigned)
Atty Docket No.: 1171/42323/150-PCT-US)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

June 24, 2005

Date

Tiffany E. Sexton
Tiffany E. Sexton

RESPONSE TO NOTICE TO FILE MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450
MAIL STOP: MISSING PARTS

Sir:

The above-noted application was filed on December 15, 2004, via Express Mail. As a result of the original, executed Declaration document not being attached to said application, a Notice to File Missing Parts issued.

In response to the aforementioned Notice, please find enclosed herewith the following:

- a. The original Declaration and Power of Attorney for Patent Application, executed by the inventors, David Fraser Wixey; Alastair Edwin McAuley; Christopher Earl Nightingale; Lewis George Gradon and Ivan Milivojevic.
- b. A copy of the aforementioned Notice to File Missing Parts of Application
- c. A check in the amount of \$130.00 for payment of late filing of the executed Declaration and Power of Attorney.

If the afore-mentioned check is missing or insufficient, the Commissioner is hereby authorized and requested to charge Deposit Account No. 20-1495 any amount necessary to cover any costs associated with this Response or to credit any overpayment.

Respectfully submitted,

Dated: June 24, 2005

By: _____

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
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JEP-H Case 150-PCT
VS

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/518,331	David Fraser Wixey	(1171/42323) Case 150-PCT
00279	RECEIVED	
TREXLER, BUSHNELL, GIANGIORGI, BLACKSTONE & MARR, LTD. 105 WEST ADAMS STREET SUITE 3600 CHICAGO, IL 60603	JUN 20 2005	INTERNATIONAL APPLICATION NO.
TREXLER, BUSHNELL, GIANGIORGI, BLACKSTONE & MARR, LTD.		PCT/NZ03/00152
		IA. FILING DATE PRIORITY DATE
		07/11/2003 07/12/2002
CONFIRMATION NO. 5738		
371 FORMALITIES LETTER		
OC000000016260149		
OC000000016260149		

Date Mailed: 06/13/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 12/15/2004
- Copy of the International Search Report filed on 12/15/2004
- Copy of IPE Report filed on 12/15/2004
- Preliminary Amendments filed on 03/07/2005
- Information Disclosure Statements filed on 12/15/2004
- Oath or Declaration filed on 12/15/2004
- U.S. Basic National Fees filed on 12/15/2004
- Priority Documents filed on 12/15/2004

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- \$130 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- \$130 Late oath or declaration Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

VONDA M WALLACE

Telephone: (703) 308-9140 EXT 225

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/518,331	PCT/NZ03/00152	(1171/42323) Case 150-PCT

FORM PCT/DO/EO/905 (371 Formalities Notice)